IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.931 OF 2003
IN
SUMMARY SUIT NO.2397 OF 2003

Pukhraj P. Jain ....Plaintiff
V/s.
Kantilal P. Kanthed & Anr. ....Defendants

Ms.Kavita Shah i/b Mr.A.G. Shah for the Plaintiff.
Mr.P. Sarvankar i/b Mr.G.S.Bhatt for Defendant No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 8TH JUNE, 2005.

P.C. :

1. The suit is filed to recover the amounts due in respect of the bill of exchange drawn by Defendant No.2 and accepted by Defendant No.2. Defendant No.2 has not filed any appearance. The Summons for Judgment is taken out only against Defendant No.1 i.e. the drawer.

2. The only defence is that the signature of Defendant No.1 is forged. The Plaintiff has stated in detail the manner and circumstances in which the bill of exchange was drawn by Defendant No.1. The signature prima-facie of Defendant No.1 on the bill of exchange is the same as the signature of Defendant No.1 on the Vakalatnama and on the cheque issued by Defendant No.1 in favour of the Plaintiff's son. Admittedly both the Defendants are the customers of

the Plaintiff's son. They were introduced according to the Plaintiff by his son. There is nothing to suggest that this story is false. This belies the contention of Defendant No.1 that he does not even know Defendant No.2.

3. In the circumstances, Leave to defend granted to Defendant No.1 conditional upon Defendant No.1 depositing in this Court a sum of Rs.1,00,000/- within 12 weeks from today.

4. In the event Defendant No.1 deposits the aforesaid amount, the suit to stand transferred to the list of Commercial Causes. Defendant No.1 to file his written statement within 30 days. Discovery and Inspection within four weeks thereafter.

5. In the event Defendant No.1 fails to deposit the aforesaid amount, liberty to the Plaintiff to apply for further orders.

6. On the said deposit being made, the Prothonotary and Senior Master to invest the same in any Nationalised Bank initially for a period of 2 years and shall renew the same thereafter for a period of one year from time to time.

7. Summons for Judgment stands disposed of accordingly.